

Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

CHRISTIE BOWERS,

Plaintiff,

vs.

ROBIN KLETKE and ROBIN COHEN,
husband and wife and the marital community
composed thereof,

Defendants.

NO. C08-1768RSM

**ORDER GRANTING DEFENDANTS'
SECOND MOTION TO COMPEL AND
FOR SANCTIONS**

NOTE ON MOTION DOCKET:
JULY 24, 2009

PURSUANT TO Fed. R. Civ. P. 37, the Defendants Robin Kletke and Robin Cohen ("Defendants") have moved to compel the Plaintiff to comply with the Court's June 4, 2009 Order, and have moved for discovery sanctions against the Plaintiff.

The Court, having reviewed Defendants unopposed motion, the facts, the arguments of counsel, and the applicable law, finds that the Plaintiff has committed the following violations of the Federal Rules of Civil Procedure, as well as the Court's March 17, 2009 Order Setting Trial and Related Dates as follows:

1. Plaintiff has failed to produce answers to interrogatories and responses to requests for production that were served on March 2, 2009;
2. Plaintiff has failed to produce answers to interrogatories and responses to requests for production that were served on March 16, 2009;

1 3. Plaintiff has not objected, nor sought a protective order, answered, or responded
2 to the Defendants' discovery requests noted above. The Court finds that any objections to these
3 discovery requests have been waived;

4 4. The Defendants' Motion to Compel Answers and Responses to Discovery
5 Requests was filed and served on Plaintiff's Counsel on May 6, 2009. The motion was not
6 opposed by the Plaintiff. The Court issued an Order on June 4, 2009 requiring the Plaintiff to
7 provide answers and responses to the discovery requests within 21 days of the date of the order,
8 June 25, 2009; and
9

10 5. Plaintiff has not complied with the Court's June 4, 2009 Order.

11 For these violations of the Federal Rules of Civil Procedure, the Court's March 17,
12 2009 and June 4, 2009 Orders, Defendants are entitled to relief under FRCP 37. Further,
13 pursuant to FRCP 37(b)(2)(A), Defendants are entitled to an award of their reasonable expenses
14 in making their motion to compel and for discovery sanctions, including attorney's fees.
15 Plaintiff has not provided substantial justification for the violations of the Federal Rules of
16 Civil Procedure and the Court's March 17, 2009 Order, and June 4, 2009 Order Granting
17 Motion to Compel.
18

19 ACCORDINGLY, THE COURT ORDERS AS FOLLOWS:

20 1. Plaintiff shall provide full and complete answers to the interrogatories served on
21 Plaintiff's counsel and produce the documents requested in the Defendants' first and second set
22 of interrogatories and requests for production without objection.
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24 2. Plaintiff shall answer the interrogatories and produce the documents requested
25 within twenty-one (21) days of this Order. Plaintiff shall bear all expenses of complying with
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1 these discovery requests, including copy costs, costs of obtaining records from third parties,
2 cost of timely delivery and any associated costs.

3 3. Plaintiff shall pay the reasonable expenses, including attorney's fees incurred by
4 the Defendants in bringing their Second Motion to Compel and for discovery sanctions. To
5 that end, Defendants shall, within twenty-one (21) days of the date of this Order, provide
6 Plaintiff with a detailed schedule of the reasonable expenses incurred in bringing this motion
7 with appropriate supporting documentation. Plaintiff is directed to pay these reasonable
8 expenses no later than twenty-one (21) days after Defendants provide Plaintiff with the
9 schedule.
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12 ORDER DATED this 11 day of August, 2009.
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17 RICARDO S. MARTINEZ
18 UNITED STATES DISTRICT JUDGE
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22 Presented By:

23 LAW OFFICES OF GREGORY J. MURPHY, P.S.

24 By: /s/
25 Gregory J. Murphy, WSBA No. 16184
26 gmurphy@murphy-legal.com
Attorney for Defendants Kletke and Cohen